

Brett Foster (#6089)
Grant Foster (#7202)
Tamara Kapaloski (#13471)
DORSEY & WHITNEY LLP
111 S. Main Street, Suite 2100
Salt Lake City, UT 84111
Telephone: (801) 933-7360
Facsimile: (801) 933-7373
foster.brett@dorsey.com
foster.grant@dorsey.com
kapaloski.tammy@dorsey.com

Attorneys for Plaintiff Blendtec Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BLENDTEC INC., a Utah corporation,
Plaintiff,
vs.
BLENDJET INC., a Delaware corporation,
Defendant.

**BLENDTEC'S NOTICE OF
REFILING OF ECF NOS 105, 106, 106-
1, 107, 107-1 AND 108 WITH
ADDITIONAL REDACTIONS AND
REQUEST THAT ECF NOS 105, 106,
106-1, 107, 107-1 AND 108 BE
REMOVED FROM THE PUBLIC
DOCKET**

Civil No. 2:21-cv-00668-TC-DBP

Judge Tena Campbell
Magistrate Judge Dustin B. Pead

On May 2, 2023, Plaintiff Blendtec publicly filed six redacted documents: ECF No. 105 (Motion to Enforce the Protective Order and to Disqualify); ECF No. 106 (Motion to Expedite); ECF No. 106-1 (Exhibit 1 to Motion to Expedite); ECF No. 107 (Motion to Compel Patrick McGill and Sheppard Mullin to Comply with Subpoenas); ECF No. 107-1 (Exhibit 1 to Motion to

Compel); and ECF No. 108 (Declaration of Tamara Kapaloski). Blendtec also filed under seal unredacted versions of these documents.

Blendtec filed unredacted versions of the documents under seal with the publicly filed redacted versions, solely because Blendjet designated documents attached to the papers as Confidential or Attorneys Eyes Only (“AEO”) under the Standard Protective Order governing this case. Blendtec filed all documents designated as Confidential or AEO by Blendjet under seal.

After Blendtec filed the above referenced redacted documents, Blendjet advised Blendtec of its belief that Blendtec publicly filed certain of Blendjet’s confidential information and requested that Blendtec withdraw those papers and refile them. On May 5, Blendjet sent Blendtec the additional redactions that Blendjet wants Blendtec to make.

Blendtec believes that its original redactions are proper, and that the additional redactions that Blendjet demands do not require redaction. For instance, Blendjet requests that Blendtec redact facts that Blendtec gleaned on its own in late February 2023 based on information available in the public domain. Blendtec’s suspicions regarding certain facts is not AEO information. Blendjet has also asked Blendtec to redact text from emails between counsel that Blendjet never designated as AEO or Confidential. Blendjet also demands that Blendtec redact words from documents that reveal no confidential information. For instance, the only additional redaction that Blendjet requests for ECF 107 is the words “in Blendjet.” Similarly, the only redaction Blendjet requests in ECF 106, is the words “a Blendjet.” In ECF 105, Blendjet requests redaction of the word “He” from a sentence. Although Blendtec does not believe that the additional redactions that Blendjet has demanded are proper, to resolve the disagreement on the issue, Blendtec is hereby withdrawing the documents filed as ECF Nos. 105, 106, 106-1, 107, 107-1 and 108, and will

immediately refile those documents with the additional redactions that Blendjet has requested.

For the reasons set forth herein, Blendtec is hereby withdrawing ECF Nos. 105, 106-1, 107, 107-1, and 108, and respectfully requests that those documents be removed from the public docket. Blendtec will refile those documents with the additional redactions that Blendjet has requested. The original filing date of May 2, 2023, controls for purposes of the briefing schedule.

DATED this 8th day of May, 2023.

DORSEY & WHITNEY LLP

/s/ Tamara L. Kapaloski
Brett Foster (#6089)
Grant Foster (#7202)
Tamara L. Kapaloski (#13471)

Attorneys for Plaintiff Blendtec Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of May, 2023, a true and correct copy of the foregoing document was served on counsel of record via the Courts CM/ECF System which sent notice to counsel of record:

Martin R. Bader: mbader@sheppardmullin.com

Jesse A. Salen: jsalen@sheppardmullin.com

Patrick M. McGill: patrick@mcgillco.com

Nathan D. Thomas: nthomas@parsonsbehle.com

Elizabeth M. Butler: lbutler@parsonsbehle.com

/s/ Tamara L. Kapaloski